

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) and 1.97(c))

Docket No.  
19181

In Re Application Of: Sandra Ebert, et al.

NOV 05 2007

Application No.

Filing Date

Examiner

Customer No.

Group Art Unit

Confirmation No.

10/549,557

October 2, 2006

Unassigned

23389

1645

4680

Title:

ASSESSMENT METHOD

Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

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10/549,557	October 2, 2006	Unassigned	23389	1645	4680

Title:  
**ASSESSMENT METHOD**

**Payment of Fee**

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**Certificate of Transmission by Facsimile\***

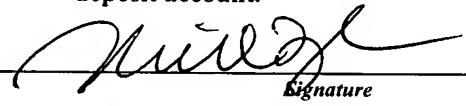
I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fa	
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Xiaochun Zhu	
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Dated: November 2, 2007

  
Signature  
Xiaochun Zhu  
Registration No. 56,311  
Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
516-742-4343

CC:



**UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicants:** Sandra Ebert, et al.

**Examiner:** Unassigned

**Serial No.:** 10/549,557

**Art Unit:** 1645

**Filed:** October 2, 2006

**Docket:** 19181

**For:** ASSESSMENT METHOD

**Dated:** November 2, 2007

**Confirmation No.:** 4680

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following reference, which is also listed on the attached Form PTO-1449, be made of record in the above-identified case.

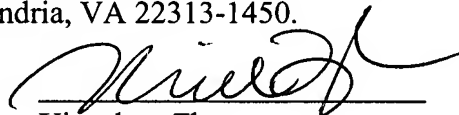
1. PCT International Publication No. WO 03/006057 A1, published January 23, 2003.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 2, 2007

  
Xiaochun Zhu

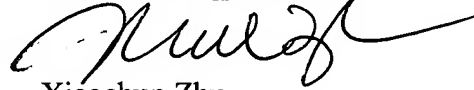
The reference was cited in an Office Action dated August 2, 2007 received from the European Patent Office. The relevance of the reference is described in the Office Action. A copy of the European Office Action and a copy of this reference are enclosed.

Applicants respectfully submit that the other references cited in the European Office Action, namely, (D1) Uwe M. et al., "Serum Follistatin Concentrations are Increased in Patients with Septicaemia" *Chemical Endocrinology*, 48:413-417 (1998); (D2) Hübner G. et al., "Activin A: A Novel Player and Inflammatory Marker in Inflammatory Bowel Disease?", *Laboratory Investigation* 77(4):311-318 (1997); (D3) Jones K.L. et al., "Activin A Release into the Circulation is an Early Event in Systemic Inflammation and Precedes the Release of Follistatin", *Endocrinology* 141(5):1905-1908 (2000); and (D4) De Kretser D.M. et al., "Activin A and Follistatin: Their Role in the Acute Phase Reaction and Inflammation", *Journal of Endocrinology* 161:195-198 (1999), were previously submitted with Applicants' Information Disclosure Statement dated January 26, 2007.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 35 U.S.C. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits an Official Action by a foreign examiner in which the reference was cited. The relevance to the pending U.S. patent application is that the Office Action issued in a foreign patent application on the same subject matter. However, no independent analysis of the Office Action, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the foreign examiner's comments submitted herewith.

The undersigned attorney hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Xiaochun Zhu', written over the printed name.

Xiaochun Zhu

Registration No. 56,311

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